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2
3 UNITED STATES DISTRICT COURT

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5 SOUTHERN DISTRICT OF NEW YORK
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7 ANGELO PENA, ROLANDO ROJAS,
8 JOSE DIROCHE, and FRANKLIN SANTANA,
9 individually and on behalf of others
10 similarly situated,

11 Plaintiffs,

12 vs. No. 07 CV 7013

13 SP PAYROLL, INC., NICHOLAS PARKING,
14 CORP., IVY PARKING, CORP., BIENVENIDO,
15 LLC, CASTLE PARKING CORP., SAGE PARKING
16 CORP., and SAM PODOLAK,
17 Defendants.
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23 DEPOSITION OF ANGELO PENA
24 New York, New York
25 Friday, November 9, 2007

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28 Reported by:
29 Meredith Stoeckel
30 JOB NO. 14011-A

Page 10

Page 11

A. Pena

A. No.

Q. Who is your current supervisor at the garage right now?

A. Mr. Raj.

Q. What hours does Mr. Raj work?

A. He passes by to pick up the reports. Sometimes he passes by in the morning, sometimes he passes by at night.

Q. Does Mr. Raj actually work at the garage, or just pass by the garage to pick up the reports?

A. He doesn't work in the garage. He just picks up the reports.

Q. What hours do you work?

A. Twelve hours a day.

Q. When do you start work?

A. I started working from seven a.m. to seven p.m.

Q. How long have you worked from seven a.m. to seven p.m.?

A. I worked that shift for about two years. Sometimes I had to cover vacation or something like that for another employee. Covering shifts.

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A. Pena

Q. Isn't it a fact that you are currently working eight hours per day?

A. Now, yes.

Q. When did you start working eight hours a day?

A. This year, 2007.

Q. When in 2007?

A. I don't know exactly.

Q. Besides you, does anyone else work at the garage with you?

A. One other person, yes.

Q. Who is that?

A. I worked with Juan --

MR. FAILLACE: I'm going to object for vagueness. I think there is a need for clarification. He's not understanding the time period you are asking.

MR. WALKER: Right now.

A. Right now, who I work with?

Q. Yes.

A. Sometimes I work with Pedro Brito, Juan Lorenzo, Pedro Breton. There are two other persons, but I don't remember the names.

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Page 12

Page 13

A. Pena

Q. How many of these employees that you just named work during all or part of the shift that you work?

A. I work with them because I started four p.m. until twelve. They are the ones that do the day shifts -- there are other people that relieve also. That relieve us.

Q. You previously testified you were working seven a.m. to seven p.m. You have testified you are working four p.m. to midnight. Which is it?

MR. FAILLACE: Objection. He was confused as to time. Objection because he was confused about time. I already objected. He wasn't clear about the time. When he was saying seven to seven he meant some other --

Q. As you sit here today, what hours are you working at the garage?

A. Right now in 2007, I am working from four p.m. to twelve a.m.

Q. Isn't it a fact that you have worked eight hours a day since March of 2006?

A. I am not sure, no.

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A. Pena

Q. During 2007 when you have been working from four p.m. to midnight, what other employees would be at the garage during that time?

A. Jose Suazo.

Q. Anyone else?

A. I worked also with Diroche Colon.

Q. Anyone else?

A. Of that garage, I don't remember any other names.

Q. Do all of the employees who work at the garage when you work at the garage park cars?

MR. FAILLACE: Objection. Can you please specify?

MR. WALKER: When he's working.

A. Repeat the question.

Q. During the time that you're working and other employees are working at the garage, do these employees also park cars?

A. Yes, sir.

Q. During any time that you have been working during 2007, what is the most number of employees who have been working at the same time as you?

A. There are six employees. Three at

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